

REMARKS

In the April 7, 2006 Office Action, the Examiner noted that claims 1-14 were pending. Claims 1, 3-8, 10-14 were rejected under 35 USC § 103 as unpatentable over U.S. Patent No. 5,903,637 to Hogan and U.S. Patent No. 5,303,145 to Griffin. In addition, claims 6, 7, 13 and 14 were rejected under 35 USC § 103 based on alleged "standard practice". Claims 2 and 9 were rejected under 35 USC § 103 as unpatentable over Hogan, Griffin and U.S. Patent No. 6,687,257 to Balasubramanian. Claims 1-14 remain in the case. Reconsideration of the claims is respectfully requested. The rejections are traversed below.

Examiner Interview

The Applicants thank the Examiner for granting the Interview conducted on August 1, 2006. As discussed during the Interview and in more detail below, the applied references fail to show the "information accepting section" recited on lines 3-6 of claim 1, especially in regard to "each subject to be addressed" (claim 1, line 6). In addition, as explained during the Interview and in more detail below, what was cited as disclosing the limitations of claims 2-5 and 9 is not related to the limitations recited in those claims and Balasubramanian is non-analogous art.

Rejections under 35 USC § 103

In item 4, on pages 2-4 of the Office Action, claims 1, 3-8 and 10-14 were rejected under 35 USC § 103(a) as unpatentable over Hogan in view of Griffin.

Claim 1 recites:

an information accepting section which accepts necessary information needed for scheduling of a given conference, the necessary information containing a scheduled time of the entire conference as well as minimum guaranteed time which needs to be secured at the minimum and desired, normally requested time for each subject to be addressed

(claim 1, lines 3-6). It was admitted in the Office Action, that Hogan "fails to explicitly disclose guaranteed time which needs to be secured at the minimum and desired, normally requested time for each subject to be addressed" (Office Action, page 2, lines 22-23). Next, it was alleged in the Office Action, that Griffin "discloses the concept [of] minimum amount of time dedicated for setting up a meeting/conference (col. 4, lines 13-27)" (Office Action, page 3, lines 1-2). It is submitted that claim 1 was mischaracterized and misinterpreted and the limitation "time for each subject to be addressed" that was acknowledged to be missing from Hogan was not even asserted to be taught by Griffin.

What was cited in Griffin describes "the desired dates between which the meeting is to be scheduled, a minimum amount of time for the meeting, and a list of prospective attendees" (column 4, lines 25-27). In other words, what was cited describes the desired time for the entire meeting, a minimum amount of time for the entire meeting and a list of the meeting attendees. Time for the entire meeting is different than a "time for each subject to be addressed" as recited in claim 1. Nothing was cited or found in Griffin and Balasubramanian that teaches or suggests the "time for each subject to be addressed" limitation of claim 1 admitted to be missing from Hogan. Furthermore, nothing was cited or found in Griffin and Balasubramanian that teaches or suggests motivation to combine Hogan with any of the other references or to modify Hogan to derive the limitation admitted to be missing from Hogan. For at least this reason, claim 1 is allowable.

Independent claim 8, recites the "information accepting section" limitation in a manner similar to claim 1. Dependent claims 2-7 and 9-14 depend from claim 1 and 8 respectively. Thus, claims 2-14 distinguish over the references of record for reasons discussed in regard to claim 1.

In addition, claim 3 recites "the information accepting section ... accepts input of the order in which the subjects will be addressed at the conference; and the schedule planning section plans a schedule according to the order at the conference, accepted by the information accepting section" (claim 3, lines 3-6). What was cited in Hogan (column 4, lines 13-27) was a summary listing of the text sections of the disclosure. For example, section "2.1 Conference Call Allocation" (column 4, line 12) relates to "when a conference request is received, the first thing the conference call controller 904 does is check the availability of the resources required to support the conference call. If available, these required resources are allocated to the conference call" (column 12, lines 41-45), where "the resources allocated for conference calls ... can include a Bridge ID, a DSP allocation array, a port allocation array, and a time field" (column 12, lines 55-57).

Allocating physical hardware ports as resources for a telephone conference call as disclosed in Hogan is different from accepting "input of the order in which the subjects will be addressed at the conference and ... planning ... a schedule according to the order at the conference" as recited in claim 3. It is submitted that there is little or no relevance of the physical configuration of hardware ports to allocating the order and arrangement of subjects presented in a conference, as recited in claim 3. Thus, for this additional reason, claim 3 is allowable.

Claim 4 recites "a schedule display section which displays the schedule planned by the schedule planning section" (claim 4, lines 2-3). What was cited in Hogan describes scripts "on a display screen of manual operator console 332, giving the operator conference information such as the participant's name, the conference leader, the company name, the names of other participants, and/or other like information" (column 19, lines 42-46). It is submitted that displaying a list of the participants of a conference as disclosed in Hogan is different from displaying "the schedule planned by the schedule planning section" as recited in claim 4, because a list of participants and company names do not inherently suggest a conference schedule, even though such information might be included for presenters on a conference schedule. It is submitted that what was cited in Hogan is insufficient to suggest the limitations recited in claim 4. For this additional reason, claim 4 is allowable.

Claim 5 recites "a schedule management section which measures the time from the start of discussion of the subjects addressed at the conference and gives a notice when a scheduled discussion end time of a subject under discussion comes according to the schedule planned by the schedule planning section" (claim 5, lines 2-5).

What was cited in Hogan describes determining "that sufficient resources are available for the conference at the desired time and for the desired duration" (column 15, lines 24-26) and the "resources ... include conference ports 1116 and DSP ports 1112" (column 15, lines 28-29) and notification to a "participant that the conference is beginning and asks the participant whether he or she would like to participate in the conference" (column 20, line 67 to column 21, lines 2) and "announce to the already on-line conference participants that the new conference participant is being joined to the conference call" (column 21, lines 18-20). In other words, what was cited in Hogan describes determining whether physical hardware ports are available as resources for a telephone conference call and notifying conference caller participants that a new caller has joined the conference call. Determining availability of physical hardware ports and notifying conference callers that another caller has joined the call as disclosed in Hogan are different activities from measuring "the time from the start of discussion of the subjects addressed at the conference and ... [giving] a notice when a scheduled discussion end time of a subject under discussion comes according to the schedule planned by the schedule planning section" as recited in claim 5, because determining availability of hardware ports and notifying callers of another caller will not result in a measurement of the time that subjects are presented at a conference, so that "notice [can be given] when a scheduled discussion end time of a subject under discussion comes according to the schedule planned by the schedule planning

section" (claim 5, lines 3-5). It is submitted that what was cited in Hogan does not teach or suggest the limitations recited in claim 5. For this additional reason, claim 5 is allowable.

On page 3 of the Office Action, claims 6, 7, 13 and 14 were rejected "because the claimed features are standard practice used in the conference management system" (Office Action, page 3, lines 19-20). The Applicant respectfully traverses this allegation of "standard practice" and demands the Examiner produce authority for the statement.

The limitations of claims 6, 7, 13 and 14 characterized as "standard practice" are not considered to be common knowledge or well-known in the art. In this case, the limitations are directed toward each subject to be addressed in a conference (for example, see claims 6 and 13). As noted above, it was admitted in the Office Action, that Hogan failed to disclose limitations involving "each subject to be addressed" (Office Action, page 2, lines 22-23). Furthermore, what was cited in Griffin failed to show the limitations involving "each subject to be addressed" as recited in claim 1, or simply "each subject" as recited in claim 8. In fact, nothing except the opinion of the Examiner appears on the record to show that the limitations of claims 6, 7, 13 and 14 are of notorious character or capable of instant and unquestionable demonstration as being well-known. It is submitted that these limitations are unique to the subject invention, in that they recite details of the features which are missing from the most relevant art the Examiner was able to find. As stated in MPEP § 2144.03(A), "the notice of facts beyond the record which may be taken by the Examiner must be capable of such instant and unquestionable demonstration as to defy dispute". The failure of Hogan and Griffin to even suggest the broader recitation of these features in claims 1 and 8 is evidence supporting the Applicants' position that there can be dispute over whether such "standard practice" exists.

Also, it appears that the Examiner based the rejection of claims 6, 7, 13 and 14, at least in part, on personal knowledge. The Examiner is required under 37 CFR § 1.104(d)(2) to support such an assertion with an affidavit when called for by the applicant. Thus, Applicants call upon the Examiner to support the assertion of "standard practice" with reference(s) or an affidavit. Until such support is revealed, the Applicants rely on the additional limitations recited in claims 6, 7, 13 and 14 as providing additional distinctions over the applied art.

In item 4 on pages 4 and 5 of the Office Action, claims 2 and 9 were rejected under 35 USC § 103(a) as unpatentable over Hogan, Griffin and Balasubramanian. It was admitted in the Office Action, that the combination of Hogan and Griffin does not disclose the limitations recited in claim 2. However, it was alleged in the Office Action that Balasubramanian discloses the elements admitted to be missing from Hogan and Griffin.

What was cited in Balasubramanian was that

the communication card 28 will typically include a message queue 90 into which messages 91 are placed prior to being transmitted ... onto the network 31 ... in such a queue 90, priority and time constraints are disregarded, therefore even if ample network bandwidth is available and suitable priority attached to messages 91 associated with control tasks, the completion timing constraints t_1 cannot be guaranteed

(column 10, lines 9-12 and lines 19-23). In other words, what was cited in Balasubramanian is non-analogous art describing transmission of queued messages over a network using a communications card, where priority and time constraints are disregarded. Therefore, even if the art was analogous, it teaches away from teaching limitations involving each subject of a conference as recited in claim 2. Nothing has been cited or found in Hogan, Griffin and Balasubramanian either combined together or considered individually that teaches or suggests the limitations admittedly missing from Hogan and Griffin. Furthermore, nothing has been cited or found in Hogan, Griffin and Balasubramanian that teaches or suggests motivation to combine Griffin and Balasubramanian with Hogan or to modify Hogan to derive the limitations missing from Hogan. For all of these reasons claim 2 is allowable.

Claim 9 recites an "information accepting section" and a "schedule planning section" using language similar to claim 2. Therefore, for all of the above additional reasons, claims 2 and 9 are allowable.

For all of the above reasons a *prima facie* case of obviousness has not been established in the Office Action for claims 1-14.

CONCLUSION

It is submitted that Hogan, Griffin and Balasubramanian in combination or taken individually, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-14 are in condition suitable for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 7, 2006
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